IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1935 OF 2007
IN
WRIT PETITION NO. 3203 OF 2005

Asif Iqbal Mohammed Memon] .. Applicant

Versus

1. Union of India & 3 ors.] .. Respondents

Mr. U.N. Mehta for the applicant.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 27TH JULY, 2007

P.C. :

. Heard the learned counsel for the petitioner.

2. The matter was ruled. It was at the stage of final hearing. At that time, it was pointed out that the respondent No.4 is not served. Therefore, the conditional order was passed directing the petitioner to serve the respondent No.4. However, as per the conditional order, the bhatta charges were not paid and, therefore, the matter was ultimately dismissed for non removal of the office objections.

2. Now, the present Civil Application has been filed for restoration. There is an abnormal delay in filing the present application which also has not been properly explained. However, in the interest of justice we find that the application deserves to be allowed, however, on payment of cost of Rs.10,000/- to be deposited with the Maharashtra State Legal Services Authority within a period of two weeks from today. If the amount is not deposited, the Writ Petition shall stand dismissed. If the amount is deposited within the stipulated period, then the Writ Petition shall stand restored. On restoration, within a period of two weeks, the bhatta should be paid and if again, there is failure to pay bhatta, the main Writ Petition shall stand dismissed.

3. Civil Application stands disposed of accordingly.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]